

188 - \$1600 #16
284 - \$1025

PTO/SB/66(6-95)
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket No.
254.01

Office of Petitions
Asst. Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282

Patent No.: 4,682,857

Application No.: 06/718,666

Issue Date: July 28, 1987

Filing Date: April 2, 1985

CAUTION: Mandatory Identifiers: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent. 37 C.F.R. 1.366(c) and (d).

Also complete the following information, if applicable

The above-identified patent:

- ☐ is a reissue of original Patent No. _____, original issue date _____;
original application number _____;
original filing date _____.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international
application _____ filed on _____.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Office of Petitions, Asst. Commissioner for Patents, Box DAC, Washington, DC 20231.

Date: _____ By: _____

08/01/1997 GHINTON 00000041 4682857
01 FC:244. 1025.00 OP
02 FC:148 1600.00 OP

Repin. Burden Hour Statement: This form is estimated to take 1 hour to complete. Time will vary depending upon the needs of the individual
DAA:040 Case No. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and
FC: 704 Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:
Assistant Commissioner for Patents, Washington, DC 20231.

Repin. Ref: 11/13/1998 JFOR: 10035600
DAA:040822 Name/Number: 4682857
FC: 704

1. SMALL ENTITY

☐ Attached herewith is a verified statement establishing small entity status.

OR

☐ A verified statement establishing small entity status for this patent has been filed and it is confirmed that the current owner of this patent still qualifies for small entity status.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in...patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to Section 1.19 of this part." From the wording of 37 CFR 1.28(a): notification of change of status (a) must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity. See also 37 CFR 1.366(f).

☒ The status of this patent has changed from that of small entity to other than that of a small entity.

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$	3½ yr fee	(183)	<input type="checkbox"/> \$	3½ yr fee	(283)
<input checked="" type="checkbox"/> \$2,050.00	7½ yr fee	(184)	<input type="checkbox"/> \$	7½ yr fee	(284)
<input type="checkbox"/> \$	11½ yr fee	(185)	<input type="checkbox"/> \$	11½ yr fee	(285)

Small Entity

MAINTENANCE FEE BEING SUBMITTED \$1,025.00*

* On March 29, 1995, Patentee submitted the 7½ year small entity maintenance fee and is submitting herewith the difference between the Small Entity fee and the Not Small Entity fee according to the current fee schedule.

4. SURCHARGE

The surcharge required by 37 C.F.R. 1.20(i)(2) of \$1,600.00 (Fee Code 188) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$1,600.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$2,625.00

☐ Please charge Deposit Account No. _____ the sum of \$_____. A duplicate copy of this authorization is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Commissioner is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 04/0822. A duplicate copy of this authorization is attached.;

7. OVERPAYMENT

As to any overpayment made please

☒ Credit to Deposit Account No. 04/0822.

OR

☐ Send refund check.

8. STATEMENT

The delay in payment of the complete 7½ yr maintenance fee in this patent was unintentional.

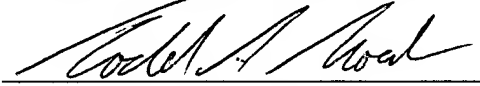
9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

July 25, 1997

Date

(415) 705-6377

Telephone Number



Signature(s) of Petitioner(s)

Todd A. Noah, Reg. No. 35,626

Typed or printed name

DERGOSITS & NOAH LLP

Four Embarcadero Ctr., Ste. 1150

San Francisco, CA 94111

ENCLOSURES:

☒ Maintenance Fee payment

☐ Small Entity Status Form

☒ Surcharge

☐ _____

NOTE: 37 C.F.R. 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. Such petition must be in the form of a verified statement if made by a person not registered to practice before the Patent and Trademark Office." Accordingly, the following declaration must be signed by any and all persons not registered to practice before the Patent and Trademark Office and presenting statements concerning the cause of delay.